



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

MEL/NJM/RAS
F. #2016R02114

*271 Cadman Plaza East
Brooklyn, New York 11201*

January 31, 2022

By USAFX and ECF

Gary Cutler
160 Broadway
Suite 600
New York, NY 10038

Susan Walsh
Vladeck Raskin & Clark
565 Fifth Avenue 9th Floor
New York, NY 10017

Thomas Dunn
225 Broadway
Suite 1515
New York, NY 10007

Michael Gold
Kudman Trachten Aloe, LLP
350 Fifth Avenue 68th Floor
New York, NY 10118

Susan G. Kellman
25 Eighth Avenue
Brooklyn, NY 11217

Re: United States v. Cardona et al.
Criminal Docket No. 21-622 (LDH)

Dear Counsel:

Enclosed please find the government's discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure. Portions of the enclosed materials are designated "Sensitive Discovery Materials" and are provided pursuant to the Protective Order entered by the Court on January 25, 2022 (the "Order"). These materials must be handled as provided in the Order. The government also requests reciprocal discovery from the defendants.

I. The Government's Discovery

A. Statements of the Defendants

Please find enclosed the following items related to statements of the defendants:

- A report documenting the arrest of the defendant Blanca Hernandez Morales, Bates numbered CARDONA000001-CARDONA000002, which is being

produced only to the defendants Blanca Hernandez Morales and Roberto Cesar Cid Dominguez.

- A consent to search form signed by the defendant Blanca Hernandez Morales, Bates numbered CARDONA000003-CARDONA000004, which is being produced only to the defendant Blanca Hernandez Morales.
- United States Marshals Service paperwork regarding the defendant Blanca Hernandez Morales, Bates numbered CARDONA000005-CARDONA000019, which is being produced only to the defendant Blanca Hernandez Morales.
- A fingerprint card signed by the defendant Blanca Hernandez Morales, Bates numbered CARDONA000020-CARDONA000021, which is being produced only to the defendant Blanca Hernandez Morales.
- Handwritten notes from the post-arrest statement by the defendant Blanca Hernandez Morales, Bates numbered CARDONA000022-CARDONA000025, which is being produced only to the defendant Blanca Hernandez Morales.
- A report containing statements made by the defendant Blanca Hernandez Morales on December 14, 2021, Bates numbered CARDONA000026-CARDONA000028, which is being produced only to the defendant Blanca Hernandez Morales.
- An advice of rights form signed by the defendant Luz Elvira Cardona, Bates numbered CARDONA000029, which is being produced only to the defendant Luz Cardona.
- A report documenting the arrest of the defendant Luz Elvira Cardona, Bates numbered CARDONA000030-CARDONA000032, which is being produced only to the defendants Luz Cardona and Jose Facundo Zarate Morales.
- A Covid waiver form signed by the defendant Luz Elvira Cardona, Bates numbered CARDONA000033, which is being produced only to the defendant Luz Cardona.
- A fingerprint card signed by the defendant Luz Elvira Cardona, Bates numbered CARDONA000034-CARDONA000035, which is being produced only to the defendant Luz Cardona.
- A booking form by the United States Marshals Service for the defendant Luz Elvira Cardona, Bates numbered CARDONA000036-CARDONA000037, which is being produced only to the defendant Luz Cardona.

- A report documenting the arrest of the defendant Jose Facundo Zarate Morales, Bates numbered CARDONA000038-CARDONA000040, which is being produced only to the defendants Jose Facundo Zarate Morales and Luz Cardona.
- A Covid waiver form signed by the defendant Roberto Cesar Cid Dominguez and United States Marshals Service paperwork regarding the defendant Roberto Cesar Cid Dominguez, Bates numbered CARDONA000041-CARDONA000050, which is being produced only to the defendant Roberto Cesar Cid Dominguez.
- A fingerprint card signed by the defendant Roberto Cesar Cid Dominguez, Bates numbered CARDONA000051, which is being produced only to the defendant Roberto Cesar Cid Dominguez.
- A report documenting the arrest of the defendant Roberto Cesar Cid Dominguez, Bates numbered CARDONA000052, which is being produced only to the defendants Roberto Cesar Cid Dominguez and Blanca Hernandez Morales.
- An advice of rights form signed by the defendant Jose Facundo Zarate Morales, Bates numbered CARDONA000053, which is being produced only to the defendant Jose Facundo Zarate Morales.
- A report containing statements made by the defendant Jose Facundo Zarate Morales on December 14, 2021, Bates numbered CARDONA000054-CARDONA000056, which is being produced only to the defendant Jose Facundo Zarate Morales.
- A signed Covid waiver form, United States Marshals Service paperwork and fingerprint card signed by the defendant Jose Facundo Zarate Morales, Bates numbered CARDONA000057-CARDONA000068, which is being produced only to the defendant Jose Facundo Zarate Morales.
- A report documenting the execution of an arrest warrant for the defendant Wayne Peiffer, Bates numbered CARDONA000069-CARDONA000071, which is being produced only to the defendant Wayne Peiffer.
- A Covid waiver form signed by the defendant Wayne Peiffer, Bates numbered CARDONA000072, which is being produced only to the defendant Wayne Peiffer.

- A fingerprint card signed by the defendant Wayne Peiffer, Bates numbered CARDONA000073-CARDONA000074, which is being produced only to the defendant Wayne Peiffer.
- A medical release form signed by the defendant Wayne Peiffer, Bates numbered CARDONA000075, which is being produced only to the defendant Wayne Peiffer.
- A photograph of the defendant Wayne Peiffer, Bates numbered CARDONA000076, which is being produced only to the defendant Wayne Peiffer.
- United States Marshals paperwork for the defendant Wayne Peiffer, Bates numbered CARDONA000077- CARDONA000084, which is being produced only to the defendant Wayne Peiffer.

B. The Defendant's Criminal History

Please find enclosed the following items:

- A criminal history report for the defendant Blanca Hernandez Morales, Bates numbered CARDONA000085-CARDONA000090, which is being produced only to the defendant Blanca Hernandez Morales.
- A criminal history report for the defendant Roberto Cesar Cid Dominguez, Bates numbered CARDONA000091-CARDONA000115, which is being produced only to the defendant Roberto Cesar Cid Dominguez.
- A criminal history report for the defendant Wayne Peiffer, Bates numbered CARDONA000116-CARDONA000121, which is being produced only to the defendant Wayne Peiffer.

The government is not aware of any criminal history for the defendants Luz Elvira Cardona and Jose Facundo Zarate Morales.

C. Documents and Tangible Objects

Please find enclosed the following items:

- Historical cellsite records for the telephone number ending in 0403, Bates numbered CARDONA000122-CARDONA001388.
- T-Mobile records for the telephone number ending in 2792, Bates numbered CARDONA001389-CARDONA001419.

- T-Mobile records for the telephone number ending in 8372, Bates numbered CARDONA0001420-CARDONA001423.
- T-Mobile records for the telephone number ending in 0319, Bates numbered CARDONA001424-CARDONA001433.
- T-Mobile records for the telephone number ending in 6813, Bates numbered CARDONA001434-CARDONA001437.
- T-Mobile records for the telephone number ending in 6984, Bates numbered CARDONA001438-CARDONA001443.
- T-Mobile records for the telephone number ending in 3719, Bates numbered CARDONA001444-CARDONA001451.
- T-Mobile records for the telephone ending in 6127, Bates numbered CARDONA001452-CARDONA001453.
- Verizon records for the telephone number ending in 0403, Bates numbered CARDONA001454-CARDONA002435.
- Verizon records for the telephone number ending in 2106, Bates numbered CARDONA002436-CARDONA002440.
- Records obtained from Facebook, Bates numbered CARDONA002441-CARDONA002519.
- Records relating to the defendant Wayne Peiffer's employment at Brewster Police Department, Bates numbered CARDONA002520-CARDONA002521.
- Surveillance photos from April 30, 2018, Bates numbered CARDONA002522-CARDONA002552.
- New York State Department of State entity information for Raza Azteca Tattoos and Piercing, Inc., Bates numbered CARDONA002553-CARDONA002554.
- A cell phone extraction report for a phone seized from the defendant Cristian Noe Godinez, Bates numbered CARDONA002555 and designated as Sensitive Discovery Material.
- Bancorp bank records for the defendant Roberto Cesar Cid Dominguez, Bates numbered CARDONA002556-CARDONA002566.

- Experian records for the defendants Roberto Cesar Cid Dominguez, Jose Facundo Zarate Morales and Wayne Peiffer, Bates numbered CARDONA002567-CARDONA002573.
- Green Dot Apple Pay records for defendant Wayne Peiffer, Bates numbered CARDONA002574, which are being produced only to the defendant Wayne Peiffer.
- Hudson Valley records for defendant Wayne Peiffer, Bates numbered CARDONA002575-CARDONA002656, which are being produced only to the defendant Wayne Peiffer.
- Photographs of jewelry seized from 114-62 Taipei Court on December 14, 2021, Bates numbered CARDONA002657-CARDONA002869.
- An inventory list and photo log of the seized jewelry, Bates numbered CARDONA002870-CARDONA002881.
- A search warrant execution log dated December 14, 2021 and evidence log, Bates numbered CARDONA002882-CARDONA002891.
- Property receipts related to items seized from the defendant Wayne Peiffer, Bates numbered CARDONA002892-CARDONA002893.
- A report documenting the collection of an iPhone collected from the residence of the defendant Wayne Peiffer, Bates numbered CARDONA002894-CARDONA002895.

You may examine the physical evidence discoverable under Rule 16, including original documents, by calling me to arrange a mutually convenient time.

D. Reports of Examinations and Tests

The government will provide you with copies of any additional reports of examinations or tests in this case as they become available.

E. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinion.

The identity, qualifications, and bases for the conclusions of each expert will be provided to you when they become available.

F. Brady Material

The government is not aware of any exculpatory material regarding the defendant. The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

G. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

II. The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

III. Emails Sent and Received by Defendants Incarcerated at a Bureau of Prisons Facility

The government may request that the Bureau of Prisons ("BOP") produce to the government emails sent and received by the defendant during his/her period of incarceration at a BOP facility (collectively, "BOP email communications"). While it is the government's position that BOP email communications, including those between the defendant and his or her attorneys

and other legal assistants and paralegals on their staff, are not privileged communications, in most instances, the government will request that the BOP exclude from any production communications between the defendant and his or her attorneys and other legal assistants and paralegals on their staff, if you provide the full email addresses for such attorneys, legal assistants and paralegals by February 14, 2022. To enable this process, the government requests that you send an email to the undersigned Assistant U.S. Attorney(s) with the list of email addresses in the body of the email. If you subsequently wish to provide an email address for an additional attorney, legal assistant or paralegal or change any of the previously-provided email addresses, you should send an email with the complete list of email addresses, including email addresses that remain unchanged, in the body of the email.

IV. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a “formal offer” or a “plea offer,” as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012).

Very truly yours,

BREON PEACE
United States Attorney

By: /s/ Margaret Lee
Margaret Lee
Nicholas J. Moscow
Rachel A. Shanies
Assistant U.S. Attorneys
(718) 254-7000

Enclosures

cc: Clerk of the Court (LDH) (by ECF) (without enclosures)